IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Crl.MC.No. 3140 of 2007()

AGAINST THE ORDER IN LP 108/06 IN
CC.337/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TALIPARAMBA

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PETITIONER: ACCUSED NOS.1 & 3 TO 7

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1. MUHAMMED ALI, S/O.AHAMMED KUNHI,
   BRAMINI MADATHIL HOUSE, SREEMOOLA NAGARAM,
   ERNAKULAM DISTRICT.

2. FATHIMA, W/O.AHAMMED KUNHI,
   BRAMINI MADATHIL HOUSE, SREEMOOLA NAGARAM,
   ERNAKULAM DISTRICT.

3. BADARUDHEEN, S/O.AHAMMED KUNHI,
   BRAMINI MADATHIL HOUSE, SREEMOOLA NAGARAM,
   ERNAKULAM DISTRICT.

4. PATHUMMA, D/O.AHAMMED KUNHI,
   BRAMINI MADATHIL HOUSE, SREEMOOLA NAGARAM,
   ERNAKULAM DISTRICT.

5. KADEEJA, D/O.AHAMMED KUNHI,
   BRAMINI MADATHIL HOUSE, SREEMOOLA NAGARAM,
   ERNAKULAM DISTRICT.

6. JAMEELA, D/O.AHAMMED KUNHI,
   BRAMINI MADATHIL HOUSE, SREEMOOLA NAGARAM,
   ERNAKULAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, THALIPARAMBA POLICE
STATION- THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3140 of 2007

Dated this the 11th day of October, 2007

ORDER

Petitioners face indictment in a prosecution for offences punishable under Section 498 A I.P.C. Cognizance was taken as early as in 1998. Consequent to non appearance of the petitioners, the case against them has been transferred to the list of Long Pending Cases. Coercive processes have been issued against the petitioners. The petitioners find such processes chasing them.

2. According to the petitioners, they are innocent. Their absence earlier was not wilful or deliberate. They are willing to surrender before the learned Magistrate. But they apprehend that their application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioners.

3. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law

and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-